First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Campbell River First Nation

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WATER MANAGEMENT BRANCH

FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Campbell River First Nation

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Gary Robinson
Project Manager
Water Management Branch

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TAB NO.

1. TABLE: Summary of Water Records for the Campbell River Band

2. LICENCES AND PLATS
   Conditional Water Licence 11134. Final Water Licence 8362

3. MAP: Campbell River Band
   - one 1:50,000 map showing Campbell River Reserve No. 11
   - one 1:250,000 map showing all the Campbell River Band Reserves.

FIRST NATIONS WATER RIGHTS REPORT

BAND: Campbell River Band

ADDRESS: 1400 Weiwaikum Road, Campbell River, B.C., V9W 5W8

CHIEF: Roy (Tony) Roberts

PHONE: 286-6949 **FAX:** 287-8838

AFFILIATION: Kwakiutl District Council

LOCATION:

The Campbell River Band have 174.2 hectares in reserve lands in the Campbell River area. The 174.2 hectares are divided into four reserves:

Campbell River 11	Homayno 2
Loughborough 3	Matlaten 4

Of the reserve lands, water rights have been licensed on:

- Campbell River 11 - located north of the municipality of Campbell River and comprised of 111.4 hectares.

The most recent population figures compiled by the Ministry of Finance show that the Campbell River Band has 175 persons living on-reserve, and 295 persons living off-reserve, for a total registered population of 496.

The four reserves of the Campbell River Band occur in the Coastal Western Hemlock Biogeoclimatic Zone. The reserves lie at sea level and experience a climate in which average daily temperatures range from lows of -5 degrees centigrade in January, to highs of approximately 16 degrees centigrade in July. On average, annual rainfall for the area totals between 100 and 250 centimetres.

Water courses of significance include:

- Camp Creek - flows through Campbell River Reserve No. 11 and drains into the Campbell River.

WATER ALLOCATIONS:

There are no records of water allocations by either the Indian Reserve Commission, the Lieutenant Governor-in-Council (by Order-in-Council), or by Order of the Board of Investigation with respect to the Campbell River Band.

The water rights of the Band have been determined by two actions of government over the years:

1) The granting of water licenses authorizing the use of water on reserves, in response to Federal Government or third-party applications.

2) Actions to amend, cancel or record as abandoned licensed rights, pursuant to provisions in the *Water Act*.

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Campbell River Band with respect to Camp Creek is as follows:

Camp Creek:

History:

Dec 30, 1931 — In accordance with an application made by the Elk River Timber Company, the Comptroller of Water Rights issued Conditional Water License 11134. The license has a precedence date of August 27, 1931 and authorizes the diversion of 20,000 gallons per day, throughout the year for industrial and incidental domestic purposes. The license is appurtenant to Parcel A of Campbell River Reserve No. 11. A lumber camp was situated on this piece of land at the time the license was issued.

Mar 10, 1933 — Based on the extent to which rights granted under the former license (Conditional License 11134) were exercised, the Comptroller of Water Rights issued Final Water License 8362 (in substitution of Conditional Water License 11134) to the Elk River Timber Company. The license was assigned a precedence date of August 27, 1931 and authorized the diversion of 20,000 gallons a day, throughout the year for industrial purposes on parts of Parcel A of Campbell River Reserve No. 11.

Mar 14, 1958 Final Water License 8362 was recorded as abandoned. Additional history on this abandonment is not available because the file has since been destroyed.

Current Status:

There are currently no active licenses on Camp Creek.

The Water Survey of Canada has no records of streamflow on Camp Creek. No other current sources of information on water flow or availability for the Creek were found during the course of this investigation.

Notes:

1. Water rights associated with land within Campbell River Reserve No. 11 were lost as a result of the abandonment of Final Water License 8362. It is not known if the Band was consulted regarding, or notified of, the abandonment.

OTHER INFORMATION:

Groundwater Records:

A review of well records maintained by the MELP - Groundwater Section found that no wells have been reported on the any of the four Campbell River Reserves. However, as the provision of well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

Alternate Water Sources:

The proximity of the Campbell River Reserves' to the city of Campbell River renders the cities water system a potential source of supply.

Reports on the water consumption in 1994 indicate that the city of Campbell River experienced a peak daily demand of 14,000,000 gallons a day, which is within their authorized maximum daily allowance for domestic use.

Summary of Water Rights Records								
Campbell River Band								
Water Source	**Priority Date**	**Reserve Name**	**File No.**	**Document Type**	**Status**	**Superceded By**	**License PUC/MOD & OIC Allotments**	**Comments**
Camp Creek	1931/08/27	Campbell River 11	0102112	CL 11134	Superceded	FL 8362	20,000 GAD/Domestic 20,000 GAD/Industrial	CL 11134: Issued in name of **'Elk River Timber Company'.**
Camp Creek	1931/08/27	Campbell River 11	0102112	FL 8362	Abandoned		20,000 GAD/Industrial	Abandonment (March 1958): **Circumstances regarding abandonment unknown;** File destroyed.

LEGEND:

Licence Types (Document Types)
CL: Conditional Licence
FL: Final Licence

Mechanisms for Allocation (Document Type)
OIC: Order-in-Council (as issued by the Luitenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units (Licence PUC/MOD & OIC Allotments)
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

For Industrial purpose.

Appurtenant to those parts of Parcel A of Indian Reserve No. 11, Campbell River, Sayward District, on which is situate a lumber camp and appendages thereto.

WHEREAS ELK RIVER TIMBER COMPANY LIMITED as owner or lawful occupant of the land, mine, or undertaking hereinafter specified has applied for a licence to take and use water in the manner hereinafter set out, and has taken all the steps required of such applicant under the "Water Act," prior to the issue of this licence, and is, under the said Act, entitled thereto:

Now, therefore, in pursuance of the said Act, this conditional licence is issued, granting the licensee hereunder the right to take and use water under the following terms and conditions:—

(a.) The source of the water-supply is Camp Creek

a tributary of Campbell River.

(b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof.

(c.) The date from which this licence and the right to take and use water thereunder shall take precedence is 27th August, 1931.

(d.) The water is to be used for Industrial purpose and incidentally for Domestic purpose.

(e.) The maximum quantity of water which may be used at the place of use is:—

For Industrial purpose 20,000 gallons a day.

For ——— purpose ———

and an additional amount may be diverted to provide against reasonable loss by seepage and evaporation in conveyance from the point of diversion to the place of use.

(f.) The period of the year during which the water may be used is the whole year

(g.) The area and description of the lands or mines upon which the water may be used are those parts of Parcel A of Indian Reserve No. 11, Campbell River, Sayward District, on which is situate a lumber camp and appendages thereto.

which area and description are more particularly shown in the said exhibit "A."

Superseded by Final Licence 8362

File Number 0102112

Licence Number 11134

W.R.B. 1002 (1)—1M-1230-3349. (Conditional Licence—Domestic, Mining, Miscellaneous, etc.)

ORIGINAL

(h.) The works which are required to be constructed consist of ~~all the works set out in the exhibit marked "B" hereto attached, which is incorporated herewith and made a part hereof.~~ Dam and pipe.

(i.) The construction of the said works ~~shall be commenced on or before the ..... day of ..... 19....~~ has already been commenced., and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(j.) The said construction shall be completed and the water beneficially used for the purpose set out in this licence on or before the 30th day of September, 19 32

(k.) .....

(l.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(m.) This licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part II. of the "Water Act," and shall be subject to all the provisions of said Act, including the filing of proof of the completion of the said works and the applying of the water to such beneficial use within the time limited by the provisions of section 74 of the said Act.

Issued this 30th day of December, 19 31

Comptroller of Water Rights.

File Number 0102112

Licence Number 11134

N.B.—In order that statements of rentals due the Province shall be sent to the proper party, notice of the date of any change in the ownership of the lands, mines, or undertaking specified in this licence should be filed with the Comptroller of Water Rights by the new owner.

W.R.B. 1002 (2)—1M-1280-3349. (Conditional Licence—Domestic, Mining, Miscellaneous, etc.)

ORIGINAL

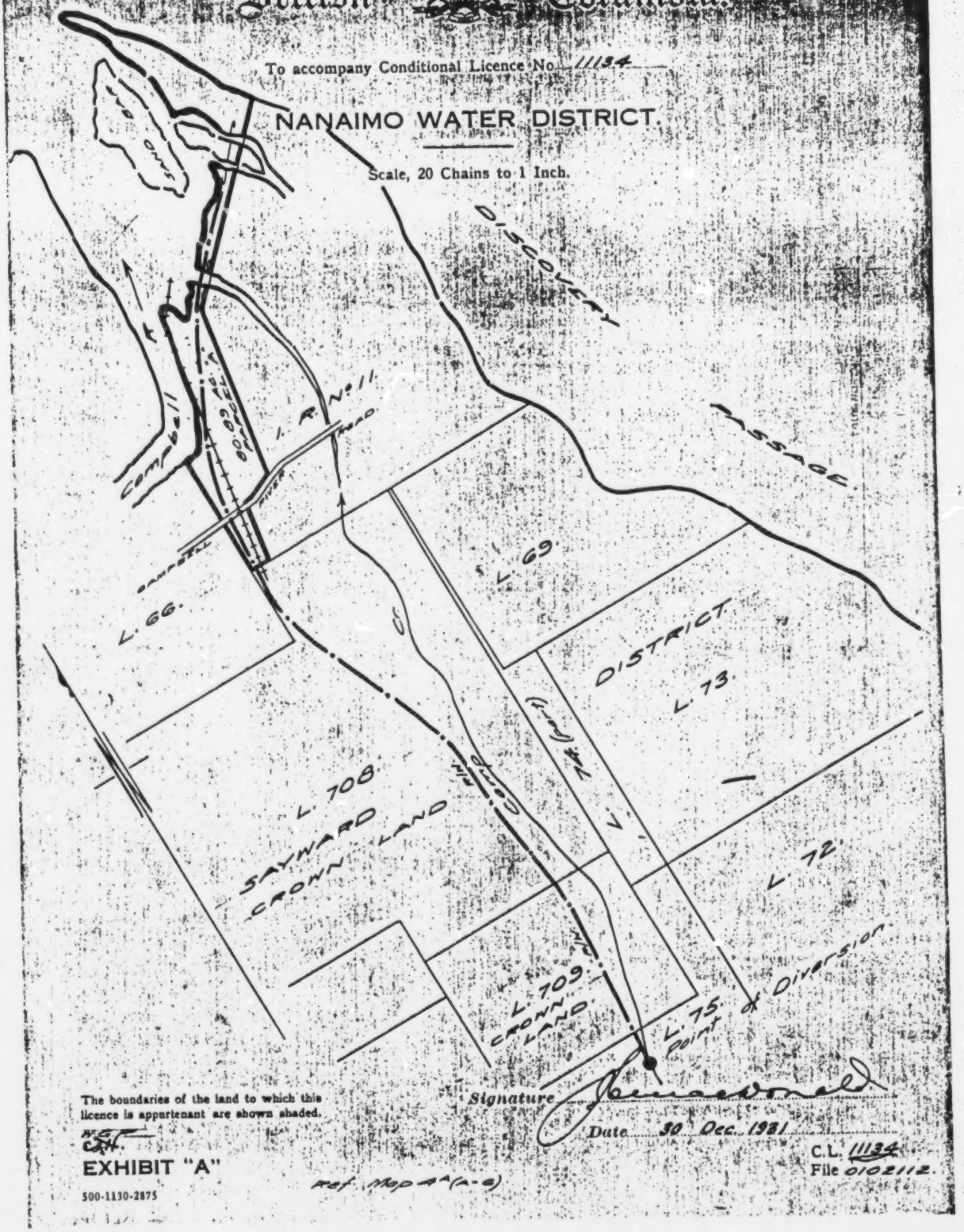
4

British Columbia.

To accompany Conditional Licence No. 11134

NANAIMO WATER DISTRICT.

Scale, 20 Chains to 1 Inch.



The boundaries of the land to which this licence is appurtenant are shown shaded.

Signature

Date 30 Dec. 1981

EXHIBIT "A"

C.L. 11134

File 0102112

Ref. Map 92A(a-e)

500-1130-2875

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

(DOMESTIC, MINING, MISCELLANEOUS, ETC.)

WHEREAS ELK RIVER TIMBER COMPANY LIMITED, whose address is Quinsam, B. C.

is the owner of the land, mine, or undertaking to which Conditional Licence No. 11134 was made appurtenant, and is the applicant for this licence; and

Whereas satisfactory proof has been duly filed and it has been shown to the satisfaction of the Comptroller that the terms of the said conditional licence have been complied with satisfactorily, and particularly that the works for the diversion and carriage of the water under the said licence have been completed and that beneficial use of the water has been made thereunder:

Now, therefore, in pursuance of the "Water Act," this final licence is issued, granting the licensee thereunder the right to take and use water under the following terms and conditions:—

(a.) The source of the water-supply is Camp creek, a tributary of Campbell river.

(b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is attached to the counterfoil of this licence on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria.

(c.) The date from which this licence and the right to take and use water thereunder shall take precedence is 27th August 1931.

(d.) The purpose for which the water is to be used is Industrial.

(e.) The maximum quantity of water which may be used at the place of use is 20,000 gallons a day; and the maximum quantity of water which may be diverted from the stream is 20,000 gallons a day.

Abandoned 14/3/58

(f.) The period of the year during which the water may be used is the whole year.

(g.) The area and description of the lands or mines upon which the water may be used are those parts of Parcel "A" of Indian Reserve No. 11, Campbell river, Sayward District, on which is situate a lumber camp and appendages thereto.

which area and description are more particularly shown in the said exhibit "A."

Licence Number 8362

W.R.B. 1021 (1) (Final Licence—Domestic, etc.)—3M-1130-2037

File No. 0102112.

ORIGINAL

(h.) The works for the diversion and the carriage of the water consist of Dam, pipe and tank.

(i.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(j.) This licence shall be appurtenant to those parts of Parcel "A" of Indian Reserve No. 11, Campbell river, Sayward District, on which is situate a lumber camp and appendages thereto.

(k.) The nature and extent of the incidental use (if any) permitted under this licence are

Domestic.

but such use shall not enlarge the quantity of water allowed under item (e) above.

(l.) The terms and conditions of this licence shall replace those of the conditional licence hereinbefore referred to.

(m)

Issued this 10th day of March, 19 33.

File No. 0102112.

J. Macdonald

Comptroller of Water Rights.

Licence Number 8362

4A (A.4)

W.R.B. 1021 (2) (Final Licence—Domestic, etc.)—2M-1180-2037

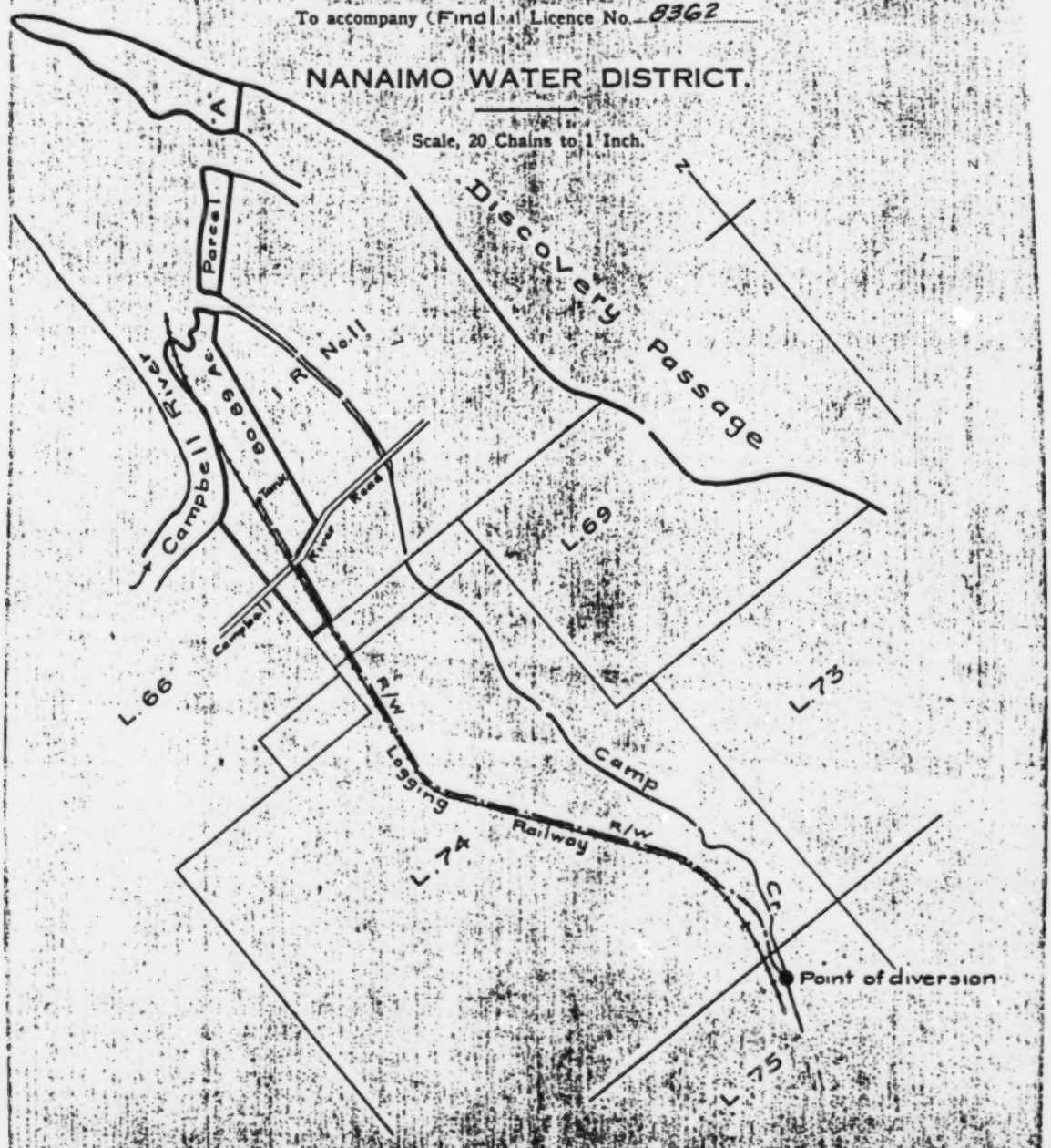
ORIGINAL

British Columbia.

To accompany (Final) Licence No. 8362

NANAIMO WATER DISTRICT.

Scale, 20 Chains to 1 Inch.



SAYWARD DISTRICT

The boundaries of the land to which this licence is appurtenant are shown shaded.

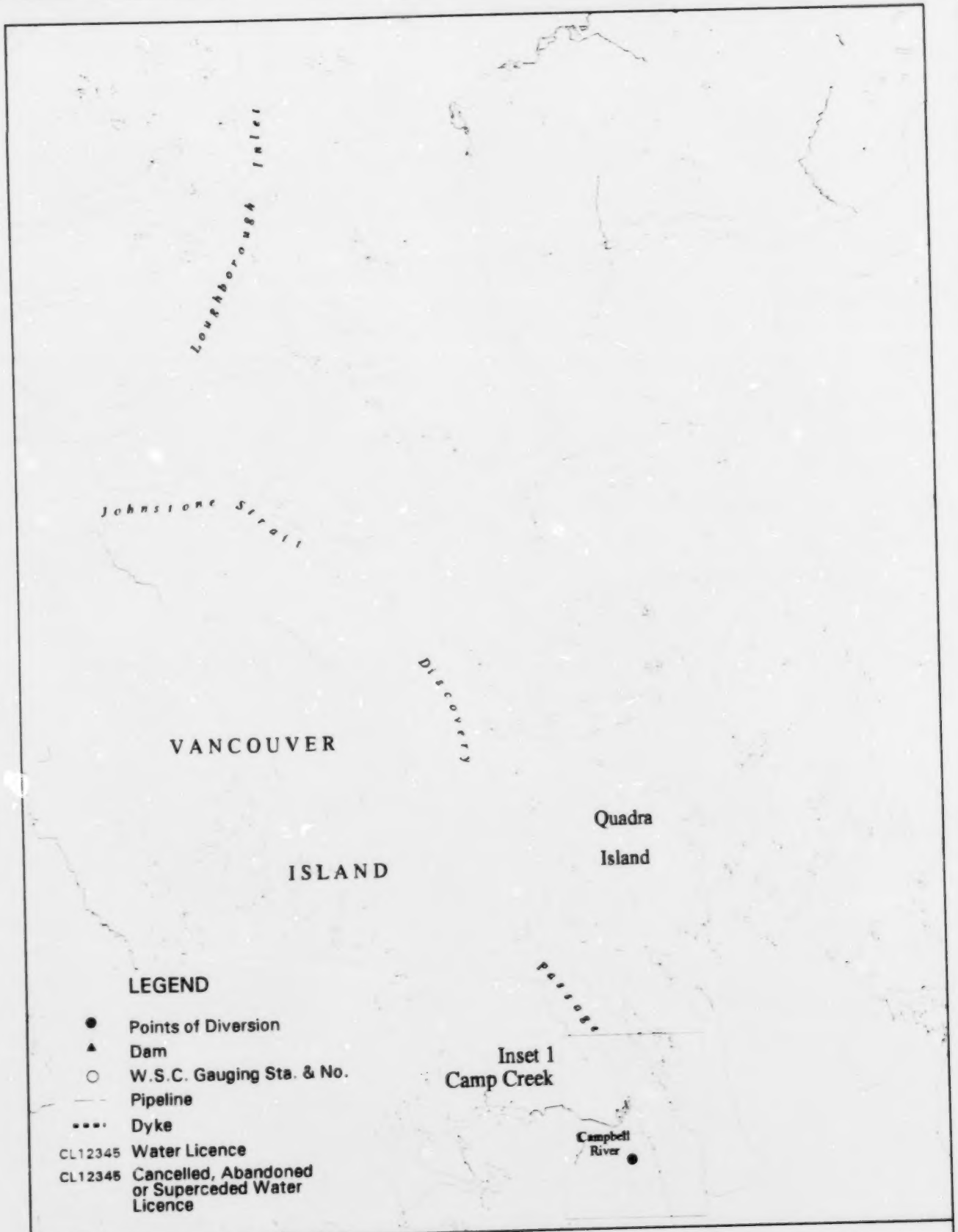
Signature

Date 10th March 1933

EXHIBIT "A" Ref. Map 4A (A-6)

F.L. 8362 for C.L. 11134

File 0102112



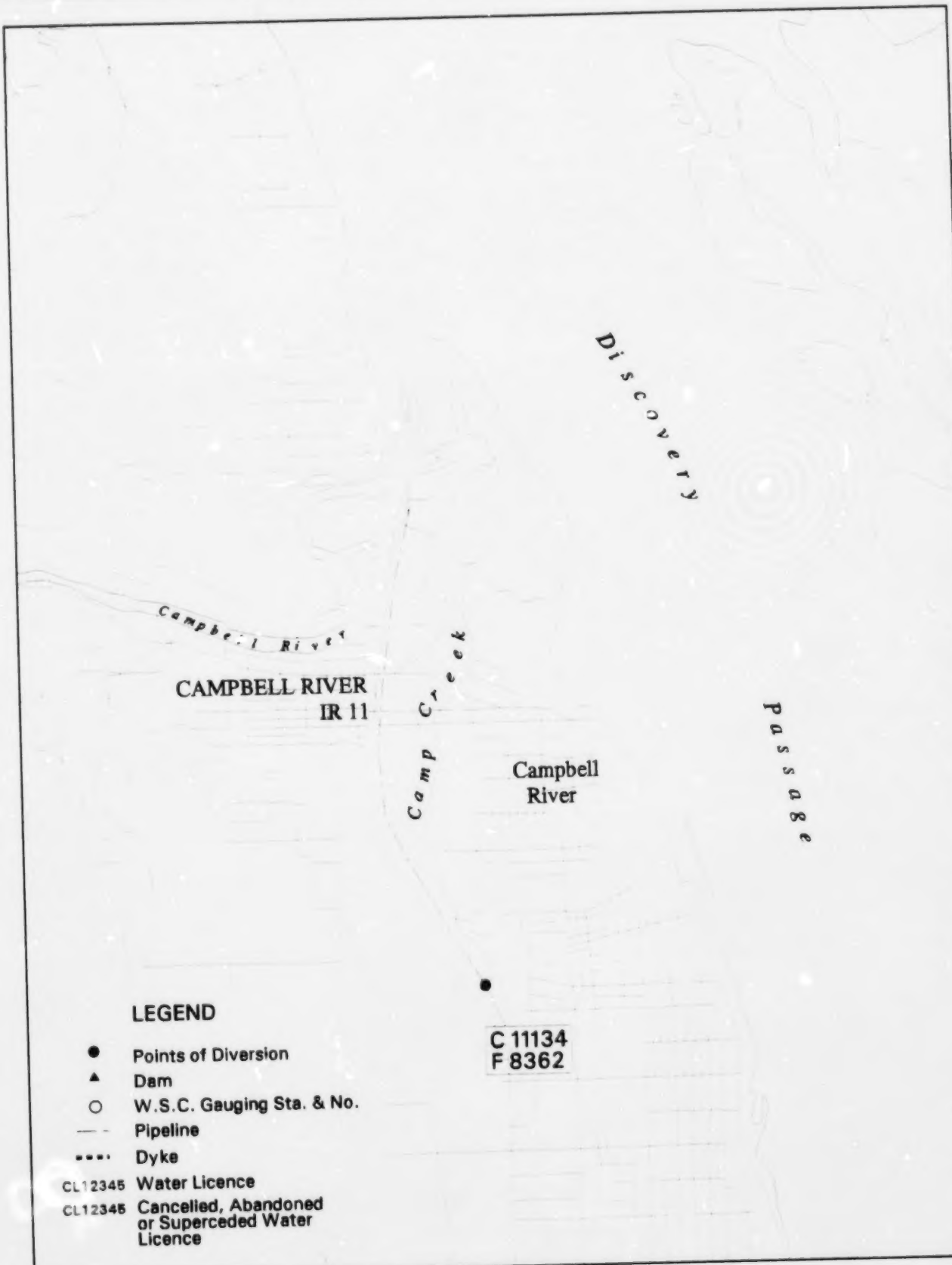
Campbell River

Scale 1:300,000

Ministry of Environment, Lands & Parks

Date: April 25, 2000

Environment & Lands Division



Camp Creek

Scale 1:30,000

Ministry of Environment, Lands & Parks

Date: April 25, 2000

Environment & Lands Division